

REMARKS

Applicants wish to thank the Examiner for reviewing the present patent application. Regarding the amendment, support for the amendment may be found, among other places, in claim 2 as originally filed and on page 6 of the specification as originally filed. Therefore, the amendment complies with 35 USC §132 and no new matter has been added.

I. Rejection Under 35 USC §102(b)

The Examiner has rejected claims 1-2, 6, 8-11 and 13-20 under 35 USC §102(b) as being anticipated by Coss, U.S. Patent No. 3,756,242 (hereinafter, '242). In the rejection, the Examiner mentions, in summary, that the '242 reference discloses a micro-activation system with a micro-activation device for micro-activation of skin surface of an individual. The Examiner further mentions that the actuator device described in the '242 reference has an essential shaft with a proximal and distal end conjoined with a handle. Finally, the Examiner concludes that the handle can comprise a knurled disk and the actuator device has a shaft with a central opening extending from the proximal end to the distal end wherein a probe is capable of being disposed centrally and releasably within the central opening of the device. In view of this, the Examiner believes that the novelty rejection is warranted.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position that the presently claimed invention is patentably distinguishable from the above-described for at least the following reasons.

The present invention, as set forth in independent claim 1, as amended, is directed to a micro-activation system comprising:

(a) a microactivation device for microactivation of a skin surface of an individual, comprising:

an actuator device comprising a central shaft having a proximal end and a distal end conjoined with a handle device; said central shaft having a central opening therein extending from said proximal end to said distal end;

a probe capable of being disposed centrally and releasably within said central opening of said actuator device; said probe comprising a cylindrical rod having a distal end and terminating in a surface at a cross-sectional proximal end thereof; said surface having a small cross-sectional diameter and having at least one needle protruding therefrom; and

(b) a skin benefit agent

wherein said actuator device further comprises:

a knurled disc positioned co-axially with said shaft, said knurled disc having a threaded opening centrally disposed therein; and

a threaded cylindrical driver rod in screw cooperation with said knurled disc; and further wherein said system further comprises a collet seated in a seat within said central opening and releasably fixed to said cylindrical driver rod.

The invention of claim 1 is further defined by the dependent claims which claim, among other things, that the probe can have a plurality of needles, specific skin benefit agents, that epidermal tissue can be micro-activated, and that the probe may be released from the actuator device after micro-activation is complete.

In contrast, the '242 reference merely describes a mechanical scarifier. The mechanical scarifier is one which is employed to abraid skin of a patient to perform allergy testing. The scarifier in the '242 reference has a scarifying edge 32 (and not at least one needle as claimed in the present invention) and a shaft 34 that extends rearward to an end knob 50 where the shaft slides within a sleeve 16. The '242 reference does not, even remotely, teach, suggest, or describe a micro-activation device with a collet releasably seated in a seat within a central opening of a central shaft. Moreover, the '242 reference does not, even remotely, suggest utilizing a micro-activation device in combination with a skin benefit agent. In view of this, it is clear that all the important and critical limitations set forth in the presently claimed invention are not set forth in a single reference, namely the '242 reference. Therefore, the novelty rejection should be withdrawn and rendered moot.

II. Rejection Under 35 USC §102(b)

The Examiner has rejected claims 1, 3, 6, 8-9, 11, and 13-15 under 35 USC §102(b) as being anticipated by Klee, U.S. Patent No. 55,775 (hereinafter, '775). In the rejection, the Examiner mentions, in summary, that the '775 reference describes a micro-activation device for microactivating skin at the surface of an individual whereby the device has a central shaft with a proximal end and distal end conjoined with a handle, the shaft having a central opening extending from the proximal end to the distal end. The Examiner further mentions that the device of the '775 reference has a probe capable of being disposed centrally and releasably within the central opening of the device, the probe comprising a cylindrical rod having a distal end and termination in a surface at the proximal end. The Examiner continues by mentioning that device comprises a plurality of needles and can be used with skin benefit agents to provide a benefit. In view of this, the Examiner believes that the novelty rejection is warranted.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position that the presently claimed invention is patentably distinguishable from the above-described for at least the following reasons.

As already made of record, the present invention, as set forth in independent claim 1, is directed to a microactivation system that comprises a microactivation device and a skin benefit agent.

The invention set forth in independent claim 1 is further defined by the dependent claims which claim, among other things, the type of surface of the probe, the types of skin benefit agents that may be employed, that the needles of the microactivation system microactivate epidermal tissue, that microactivation with the system in combination with the skin benefit agents can smooth the skin, reduce the appearance of fine lines and wrinkles on the skin, reduce sagging skin, improve the texture of the skin, repair photodamaged skin, enhance the overall look of skin appearance, and the like.

In contrast, the '775 reference merely describes an instrument to irritate the skin wherein certain oils or liquids can be used to produce a desired irritation. Nothing in the '775 reference even remotely describes a micro-activation system as described in claim 1, as amended. Moreover, nothing in the '775 reference even remotely describes the use of a micro-activation system to improve various characteristics of skin. In view of this, it is clear that all the important and critical limitations set forth in the presently claimed invention are not found in a single reference, namely the '775 reference. Therefore, Applicants respectfully request that the novelty rejection be withdrawn and rendered moot.

III. Rejection Under 35 USC §102(e)

The Examiner has rejected claims 1, 3-15, and 19-20 under 35 USC §102(e) as being anticipated by Lastovich et al., U.S. Patent Application No. 2004/0064087 (hereinafter, '087). In the rejection, the Examiner mentions, in summary, that Figures 1, 2 and 7 of the '087 reference show a micro-activation system consistent with that of the claimed invention. In view of this, the Examiner believes that the novelty rejection is warranted.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position that the presently claimed invention is patentably distinguishable from the above-described for at least the following reasons.

As already made of record, the present invention is directed to a micro-activation system comprising a micro-activation device and a skin benefit agent system. The micro-activation system described in claim 1 has been amended to expedite prosecution and to further business objectives. As already made of record, the system of claim 1 comprises a collet seated in a seat within a central opening within the device. Such a limitation is not even remotely suggested by the '087 reference. In view of this, all the important and critical limitations set forth in the presently claimed invention are not found in a single reference, namely the '087 reference. In view of this, Applicants respectfully request that the novelty rejection be withdrawn and rendered moot.

Applicants submit that all claims of record are now in condition for allowance. Reconsideration and favorable action are earnestly solicited.

In the event the Examiner has any questions concerning the present patent application, the Examiner is kindly invited to contact the undersigned at his or her earliest convenience.

Respectfully submitted,



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